



AMENDED UNDER 37 C.F.R. § 1.116  
U.S. Appl. No. 10/733,398

Attorney Docket No. Q78757

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-12 are all the claims pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

### **CLAIM REJECTIONS - 35 USC § 102**

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Green, Jr. (U.S. Patent # 5,926,133). Applicant respectfully traverses the 35 U.S.C. § 102 rejection, as set forth below.

Claim 1 recites in part:

defining of first sub-areas in the first measurement area by  
applying a predefined grid on the first measurement area,  
performing position measurements by means of the  
position measurement method in at least a sub-set of the first sub-  
areas,  
determining of measurement errors for the position  
measurements,  
determining of the quality measure based on the  
measurement errors.

First, the process of determining the general vicinity of rover 16 (col. 5, lines 20-47) based on its relation to given base stations 14 or transponders 12 does not anticipate performing position measurements by means of the position measurement method in at least a sub-set of the first sub-areas, as recited in claim 1. Just because the general vicinity of rover 16 may be discovered does not necessarily mean that a sub-set of the first sub-areas has been defined in Green, Jr. Applicant submits that the process of locating rover 16 does not disclose position measurements in a sub-set of the first sub-areas.

Second, with regard to the Examiner's Response to Arguments section (Office Action, page 3), just because the process of determining the general location of rover 16 may be performed via random transponders 12, this fact does not mean that a sub-set of the first sub-areas has been defined by sending "wake up" calls to random transponders 12 in Green Jr. Indeed, sending a "wake up" call to random transponders 12 to determine the general location of rover 16 is unrelated to defining a sub-set of the first sub-areas of the first measurement area as uniquely required by claim 1. Therefore, the sub-set of the first sub-areas does not read on transponders 12 receiving a random "wake up" call from base stations 14, and no sub-set is defined by use of the transponders 12 in any way.

With respect to Figure 6 of Green, Jr., Figure 6 shows that "in addition to the transponders 12, the system also includes several base stations 14 which are within the communication range of the transponders 12, located at precisely known positions and separated from one another by relatively large distances, and a base station controller 18...which controls transactions between base stations 14." (col. 5, lines 2-8) However, Figure 6 cannot be said to teach or suggest the above-identified features recited in claim 1 and provides no teaching regarding a sub-set of the first sub-areas.

Therefore, Applicant submits that no sub-set is disclosed in Green, Jr., as recited in claim 1 whereby when performing position measurements by means of the position measurement method in at least a sub-set of the first sub-areas, as recited in claim 1.

Third, claim 1 requires applying a predefined grid to the measurement area to define sub-areas. Green does not show applying a grid to define measurement areas. From the description

at column 7, when Green selects multiple transponders, Green combines the information from their outputs to obtain a single position measurement. So each transponder does not correspond to a different measurement sub-area, but instead all of them together define one measurement area. Green does not perform **measurements**, but only a measurement. Claim 1 requires the performance of position measurements in at least a subset of the sub-areas. Green does not perform position measurement by any one transponder and therefore does not perform position measurement in any one of the "sub-areas."

As discussed above, what Green does is select transponders in the general vicinity of the rover 16 and then triangulates. In Green, there is only one "sub-area" defined at any one time, which has to be in the vicinity of the rover 16. Consequently, this means that the sub-areas cannot possibly be predefined.

For at least the foregoing reasons, claim 1 is not anticipated or rendered obvious by the teaching of Green, Jr. Therefore, the 35 U.S.C. § 102 rejection of claim 1 and its dependent claim 2 should be withdrawn.

### **CLAIM REJECTIONS - 35 USC § 103**

Claims 3, 11, and 12 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Green, Jr. (U.S. Patent # 5,926,133) in view of Spirito M. A. et al. (Preliminary experimental results of a GSM mobile phones positioning system based timing advance).

Claim 4 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Green, Jr. in view of Sendonaris et al. (U.S. Patent # 6,141,552).

Claim 5 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Green, Jr. in view of Sendonaris as applied to claim 4 above and further in view of Spirito M. A. et al. (Preliminary experimental results of a GSM mobile phones positioning system based timing advance).

Claim 6 and 7 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Green Jr. in view of Sendonaris as applied to claim 6 above, and further in view of Walczak et al. (U.S. Patent Application Publication # 20020098851).

Claims 8, 9, and 10 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sendonaris et al. in view of Tayloe et al. (U.S. Patent # 5,095,500).

Applicant respectfully traverses the 35 U.S.C. § 103 rejections, as set forth below.

With respect to claims 3-8, 11, and 12, Applicant submits that these claims are patentable by virtue of their dependency from claim 1. As discussed above, Green Jr. is deficient vis-à-vis claim 1. The teachings of Spirito M. A., Sendonaris, Walczak, and Tayloe do not cure the deficiencies of Green Jr. Thus, claim 1 is not anticipated or rendered obvious by the individual or combined teachings of the applied prior art.

For at least the foregoing reasons, dependent claims 3-8, 11, and 12 are patentable over the prior art by virtue of their direct or indirect dependency from base claim 1. Therefore, the 35 U.S.C. § 103 rejection of claims 3-8, 11, and 12 should be withdrawn.

Further, with regard to claim 12, Applicant submits that claim 12 is patentable for the following reasons, too. Claim 12 recites:

wherein defining of first and second sub-areas in the respective first and second measurement areas, said first and second measurement areas are divided into the same number of sub-areas.

The Examiner concedes that Green, Jr. is deficient vis-à-vis claim 12 and has applied Spirito M. A. However, Spirito M. A. does not compensate for the deficiencies of Green, Jr.

It appears the Examiner believes that the two regions, a rural environment and an urban environment, in Spirito M. A. teach or suggest the first and second sub-areas recited in claim 12. However, Spirito M. A. fails to teach or suggest that said first and second measurement areas are divided into the same number of sub-areas, as recited in claim 12. Spirito M. A. is silent on whether or not the first class and second class have the same number of sub-areas (rural environment and urban environment). Although the Examiner considers the rural and urban environments as first and second sub-areas, he does not indicate that the alleged sub-areas are the same number of sub-areas.

For at least the foregoing reasons, claim 12 is not anticipated or rendered obvious by the individual or combined teachings Green, Jr. and Spirito M. A. Therefore, the 35 U.S.C. § 103 rejection of claim 12 should be withdrawn for these reasons, as well.

With regard to independent claims 9 and 10, Applicant submits that claims 9 and 10 are patentable for the following reasons. The following remarks are for claim 9 but apply by analogy to claim 10.

Claim 9 recites in part:

...planning of position measurements for the purpose of determining a quality measure of a position measurement method

for a cellular telecommunication network, comprising program instruction means for performing the steps of:

defining of first sub-areas in the first measurement area by applying a predefined grid on the first measurement area,

identification of a second measurement area having at least the predefined number of neighboring second cells, each one of the second cells having a maximum second size, whereby the second size is smaller than the first size, the identification being performed on the basis of the cartographic and/or network topology data,

defining of second sub-areas in the second measurement area by applying a second predefined grid on the second measurement area,

providing a measurement plan for the first and second measurement areas,

wherein a sub-area is where a separate position measurement is to be performed.

Sendonaris discloses neighboring cells with different sizes to reduce the total number of expected inter-switch handoffs. However, Sedonaris does not disclose [1] performing position measurements for the purpose of determining a quality measure of a position measurement or [2] that a sub-area is where a separate position measurement is to be performed. Further, Sendonaris does not define first and second sub-areas in the first and second measurement areas respectively, by applying a predefined grid on the first and second measurement areas. In other words, there is no position measurement in first and second sub-areas of the first and second measurement areas with respect to a predefined grid in Sendonaris, as recited in claim 9. Indeed, Sendonaris does not perform a separate position measurement for each *alleged* sub-areas, as Sendonaris does not disclose any first and second sub-areas in the first and second measurement areas, as particularly defined in claim 9. Partitioning cells (and sub-graphs) in relation to

available switches in Sendonaris does not teach or suggest the above-identified features of claim 9.

Tayloe does not compensate for the deficiencies of Sendonaris. The act of monitoring subscriber calls for various information, as discussed in Tayloe, does not anticipate or render obvious the requirement for having position measurement in first and second sub-areas of the first and second measurement areas with respect to a predefined grid wherein a sub-area is where a separate position measurement is to be performed, as recited in claim 9. Further, the very act of monitoring the subscriber calls means that there cannot be any predefined sub-areas in accordance with the recitations of claim 9.

For at least the foregoing reasons, the individual or combined teachings of Sendonaris and Tayloe fail to teach or suggest the features of claim 9. For similar reasons, claim 10 is patentable over the applied references, too. Therefore, the 35 U.S.C. § 103 rejection of claims 9 and 10 should be withdrawn.

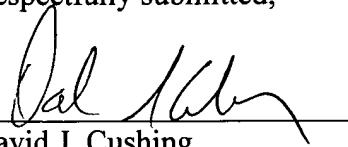
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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